

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Kevin W. Rodewald,

Civil No. 08-5911 (RHK/SRN)

Plaintiff,

**ORDER**

vs.

Michael J. Astrue, Commissioner of  
Social Security,

Defendant.

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This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson. No objections to the Report and Recommendation were filed.<sup>1</sup> Accordingly, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 15) is **ADOPTED**;
2. Plaintiff's Motion for Summary Judgment (Doc. No. 8) is **GRANTED AS TO REMAND**;
3. Defendant's Motion for Summary Judgment (Doc. No. 12) is **DENIED**; and
4. The case is **REMANDED** to the Commissioner for further proceedings consistent with the Report and Recommendation.

Dated: April 16, 2009

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge

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1. The Court notes, but neither accepts nor approves of, Defendant's gratuitous and self-serving statement that the "defense in this case appears clearly reasonable and well founded in law and fact."